

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 781 of 2003

Jabalpur, this the 13th day of August, 2004

Hon'ble Shri M.P. Singh, Vice Chairman

1. Smt. Urmila Devi Rajput, aged about 56 years, W/o. late Kunwar Singh Rajput, Resident of 1162, Naya Mohalla, Thana Omti, Post-Jonesganj, Jabalpur.
2. Chandrabhan Singh Rajput, aged about 26 years, S/o. late Kunwar Singh Rajput, resident of 1162, Naya Mohalla, Thana Omti, Post - Jonesganj, Jabalpur. ... Applicants

(By Advocate - Shri K.S. Chouhan on behalf of Shri M.B. Saxena)

V e r s u s

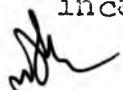
1. Union of India, through Secretary, Ministry of Production Defence, Raksha Bhawan, New Delhi-110 001.
2. The Chairman, DGOF, 10, ASK Bose Road, Kolkata (West Bengal).
3. General Manager, Vehicle Factory (Ministry of Defence), Jabalpur-482 009. ... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

By filing this Original Application the applicants have claimed the relief to quash the impugned order (Annexure A-1) and direct the respondent No. 2 to offer <sup>an</sup> appointment to the elder son of applicant No. 1.

2. The brief admitted facts of the case are that the applicant No. 1 is the widow of late Kunwar Singh Rajput who was working as Chargeman Grade-II under the respondent No. 3, i.e. Vehicle Factory, Jabalpur. The husband of the applicant No. 1 was declared completely and permanently incapacitated from any kind of service in the Defence



Civilians establishment by a Medical Board. After he was boarded out, he has submitted an application for compassionate appointment of his eldest son i.e. applicant No. 2 in the present OA. The case was considered by a Committee of officers as per the norms prescribed by the Government of India, Ministry of Defence to consider such cases. Points were allotted to various attributes such as pension/terminal benefits received, income of the family from other earning members, property if any held, number of dependents, number of unmarried daughters, number of minor children and left over service of the employee. Out of total 100 marks, marks are being allotted to above attributes based on the norms. Because of number of pending cases and for non-availability of vacancies for appointment on compassionate grounds, it has been decided by the respondents that a candidate should score minimum 55 marks to become eligible for compassionate appointment out of 100 marks. After No. 2 considering the case of the applicant, it was found that he could secure only 38 marks and he was not found eligible for employment on compassionate ground. The respondents submitted that there are many cases in which marks allotted were 38 to 54 but <sup>They</sup> ~~could~~ not <sup>be</sup> provided employment due to non-availability of vacancies. The respondents also submitted that they do not provide any employment assistance to any family member of any deceased employee who scored less than 55 marks.

3. Heard the learned counsel for the parties and perused the records carefully.

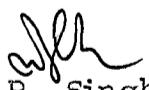
4. On giving careful consideration to the rival contentions made on behalf of the parties, I find that the applicant No. 2's case has been considered only once by



the Board of Officers and the claim of the applicants was rejected. As per the policy framed by the Ministry of Defence, Government of India vide letter No. 10/9(4)/824-99/1998-D(Lab), dated 9.3.2001 and by the Army Headquarters letter No. 93669/Policy/OS-SC(I), dated 30.7.1999 as referred to in the reply to OA No. 22/2004, the requests for appointment on compassionate ground is to be considered by three consecutive Boards. In this case the respondents have not followed the policy framed by the Army Headquarters and Ministry of Defence. Accordingly, the order dated 3.7.2003 is liable to be quashed.

5. In view of the aforesaid observations, I quash and set aside the impugned order dated 3rd July, 2003 (Annexure A-1) and direct the respondents to reconsider the case of the applicant No. 2 for appointment on compassionate ground in view of the policy framed by the Army Headquarters and Ministry of Defence, referred to above, and take a decision by passing a speaking, reasoned and detailed order within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, the Original Application stands disposed of. No costs.

  
(M.P. Singh)  
Vice Chairman

कृतिकाल नं. ३०/न्या..... जरबलपुर, दि.....  
प्रतिक्रिया दाखिले दिन: -  
"SA"  
(1) संचित, उपर्युक्त कार्य प्राप्तिकाल, जरबलपुर  
(2) आदेशक द्वारा/नियुक्ती/द्वारा ..... के काउंसल M.B. Satyanarayana  
(3) प्रत्यक्षी द्वारा/अधिकारी/द्वारा ..... के काउंसल P. Shukla  
(4) योग्यता, योग्यता, जरबलपुर न्यायालय  
सूचना एवं आदेशक वार्तावाही हेतु 

उपर्युक्त दिनांक 16-8-04

Issued  
on 16.8.04  
by [Signature]